REMARKS

The Office Action dated March 5, 2008, has been received and carefully noted. The above amendments to the claims, and the following remarks, are submitted as a full and complete response thereto.

Claims 1-7 are currently pending in the application, of which claim 1 is an independent claim. Claims 1-7 have been amended to more particularly point out and distinctly claim the invention. No new matter has been added. Support for the amendments may be found, for example, at least at page 14, lines 10-13, page 21, lines 16-23, page 22, lines 1-22, and page 23, lines 2-6, as well as Figure 2 of the present application. Claims 1-7 are respectfully submitted for consideration.

An interview was conducted on June 24, 2008, between the Examiner and Applicant's representatives. Applicant thanks the Examiner for the courtesies extended during the interview. In the interview, the rejection under 35 U.S.C. 112, second paragraph, was discussed as was the rejection under 35 U.S.C. 103(a), and a more detailed explanation of the rejection was sought.

Claims 1-7 were rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which Applicant regards as the invention. Specifically, the Examiner asserted that claim 1 recites the limitation "first index," "second index," "third index," and "fourth index," and that it is unclear as to how these terms are calculated and the specification does not provide support. The rejection is respectfully traversed, at least in part. Additionally, it

should be noted that claim 1 has been amended, and the rejection may be moot in view of the amendment to claim 1.

The specification of the present application describes that "Next, the first processing unit 120 determines the first index a_{ij} for each of the second trader j (j.noteq.i, j=1, 2, . . .), based on a part of or all of the "placed order content" of the first trader i (i=1, 2, . . .). The first index a_{ij} depends on the "cost" occurring when the first trader i and the second trader j conduct the commercial transaction, and is defined to decrease as the cost increases. The "cost" includes the cost of goods, employment cost, logistics cost, customs cost, tax, and the like." See paragraph [0054] of the published present application. As shown in the above-identified paragraph, the first index a_{ij} depends on the cost occurring when the first trader i and the second trader j conduct the commercial transaction. Similarly, the description for calculating the second index, b_{ij} can be found on page 19, lines 1-12. Also, the description for calculating the third index, c_j can be found on page 20, lines 1-12. With respect to the selection index, K_{ij}, page 23, line 23, of the present application clearly provides a formula for calculating the selection index, K_{ij}.

A person of ordinary skill in the art would appreciate the description and would be able to understand how these terms are calculated. Therefore, the present application provides a description for calculating all of the above-identified elements. Further, this rejection is inconsistent because the Office Action indicated that "Applicants points to specific sections of the specification where the rejected terms find support." The Office Action then asserted that "the specification does not provide guidance to how these

indices are actually calculated." See, page 8 of the Office Action. Therefore, the rejection is respectfully traversed on this logical ground.

The Examiner asserted that claim 3 recites the limitation "magnitude of the desire" and this limitation is a relative term. Also, the Examiner indicated that desire is not quantifiable since every person has a different way of determining or interpreting what constitutes desire. This phrase no longer appears in claim 3, and consequently the rejection of claim 3 should be withdrawn as moot.

The Office Action asserted that claim 5 recites the limitation "correcting the first index," and that it is unclear how this correction is calculated. The Office Action also indicated that the specification is silent as to how the calculations take place and does not provide any working examples to further understand what exactly is occurring within these calculations/corrections. This rejection is respectfully traversed.

It is clearly provided in the specification how "the first index" can be corrected. See, at least, paragraphs [0045] and [0055] of the present application. For example, in certain embodiments of the present invention, the commercial transaction management system of the present invention includes a first correction processing unit for correcting the first index based on an order receiving status or a production progress status of the goods by the second trader, upon recognizing the order receiving status or the production progress status of the second trader based on the communication with the second terminal device. See, at least, paragraph [0026] of the present invention. Also, the first correction processing unit 121 recognizes the "order receiving status" and the "production progress status" of each second trader. Then, the first correction processing unit 121 corrects the

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first index a_{ij} based on the "order receiving status" and the "production progress status" of the second trader j. See, paragraph [0055] of the present application.

The Office Action asserted that claim 6 recites the limitation "correcting the second index," and that this limitation is not supported by the description. This discussion above, however, demonstrates that this feature is fully supported, and consequently the rejection is respectfully traversed.

The Office Action asserted that claim 7 recites the limitation "correcting the third index based on ratings of quality of goods or level of service," and that this limitation is not clear as to what this recitation is attempting to encompass. Applicant respectfully traverses this rejection.

Support for this limitation can be found several places in the specification. See, at least, paragraph [0030] of the specification. Thus, one of ordinary skill in the art would understand the metes and bounds of the invention, as required by 35 U.S.C. 112, second paragraph.

It appears that the rejection under 35 U.S.C. 112, second paragraph, is erroneous because the specification clearly provides how the calculations and corrections are done. The rejection, at its root, appears to be based on the fact that the claim scope is broad, not that it is indefinite. Breadth of a claim is not, without more, equivalent to indefiniteness, and is not a proper ground of rejection. Accordingly, it is respectfully requested that the rejection of claim 7 be withdrawn.

Claims 1-4 were rejected under 35 U.S.C. 103(a) as being unpatentable over U.S. Publication No. 2002/0046157 to Solomon ("Solomon") in WO 02/17194 to Schreiber

("Shreiber"). The Examiner took the position that Solomon discloses all of the elements of any of the presently pending claims, with the exception of desired delivery data of the ordered goods by the first trader. The Examiner then cited Schreiber to cure the deficiencies of Solomon. Applicant respectfully submits that the claims recite subject matter that is neither disclosed nor suggested in the combination of Solomon and Schreiber.

Claim 1, upon which claims 2-7 depend, is directed to a commercial transaction management system for managing commercial transaction between a plurality of first traders (i=1, 2, ..) and a plurality of second traders (j=1, 2, ...) as parties involved, based on network communication with a first terminal device of the first trader (i) placing order of goods, and a second terminal device of the second trader (j) receiving order of goods. The system includes a first processing unit for determining a first index (a_{ij})according to cost needed for commercial transaction with the first trader (i) for each of the second traders (j), such that the first index decreases as the cost increases, based on a part of or all of a placed order content of the first trader (i), upon recognizing the placed order content including category, quantity, desired delivery date, and priority rank of the ordered goods by the first trader (i) based on the communication with the first terminal device. The system also includes a second processing unit for determining a second index (b_{ij}) according to time needed for commercial transaction with the first trader (i) for each of the second traders (j), such that the second index decreases as the time increases, based on a part of or all of the placed order content of the first traders (i), upon recognizing the placed order content of the first trader (i) based on the communication

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with the first terminal device. The system further includes a third processing unit for determining a third index (c_l) according to quality or level of service, which is identified by a delivery date compliance rate (= (quantity of goods delivered in compliance with the delivery date) / (quantity of total delivery)) such that the third index increases as the quality or the level improves, upon recognizing the quality of goods or the level of service of each of the second traders (j). The system additionally includes a fourth processing unit for determining a selection index (K_{ij}) for selecting the second trader (j), based on the first index (a_{ij}), the second index (b_{ij}), and the third index (c_l) determined by the first processing unit, the second processing unit, and the third processing unit, respectively, according to equation (1) and for preferentially determining the second trader (j=1, 2, ...) receiving order of goods from the first trader (i), in the descending order of the selection index (K_{ij}). Equation (1) is as follows: $K_{ij} = d_{ij} \{\alpha i \cdot a_{ij} + \beta_i \cdot b_{ij} + y_i \cdot c_l\}$, wherein α_1 is a first coefficient depending on a commercial transaction cost, β_i is a second coefficient depending on a commercial transaction time, y_i is a third coefficient depending on a quality of the goods, which are all positive numbers for the first trader (i) depending on the order placing policy of the first trader (i), and wherein d_{ij} is a fourth coefficient which is a positive number for each of the first traders (i) based on the order receiving policy of the second trader (j). The system further includes a fifth processing unit for determining a received order content including the category, quantity, delivery date, and priority rank of the ordered goods received by the second trader (j), based on the placed order content set by the first trader (i) recognized by the first or the second processing unit. The system additionally includes a communication processing unit for

transmitting the received order content determined by the fifth processing unit to the second terminal device of the second trader (j) selected by the fourth processing unit.

Applicant respectfully submits that the combination of Solomon and Schreiber fails to disclose or suggest all of the elements of any of the presently pending claims.

Solomon generally describes intelligent negotiation agents (INAs) are described. INAs are autonomous intelligent software agents that negotiate for the acquisition of products, services and bundles by adopting roles of buying, selling and brokering in which a buyer agent negotiates with at least two seller agents in a distributed communications environment. See abstract of Solomon.

The Office Action asserted that Solomon discloses "a fifth processing unit for determining a received order content including the category, quantity, delivery date, and priority rank of the ordered goods received by the second trader (j), based on the placed order content by the first trader (i) recognized by the first or the second processing unit," as recited in independent claim 1. However, Solomon does not disclose this limitation. The Office Action indicated that paragraph [0265] of Solomon was alleged to disclose this limitation. However, paragraph [0265] of Solomon merely discloses interaction between a B-INA and at least two S-INAs. In Solomon, the buyer selects a winner 2595 and awards a contract. The interactions between B-INA and non-selected S-MNAs automatically terminate after winner determination. Also, Solomon's system does not determine a received order based on the placed order content as in the present invention. Rather, the system of Solomon merely discloses interactions and negotiations between B-INA and S-INA1. See paragraph [0265] of Solomon. Solomon does not even seem to

disclose a received order nor how a received order is determined. Therefore, Solomon fails to teach or suggest a fifth processing unit for determining a received order content including the category, quantity, delivery date, and priority rank of the ordered goods received by the second trader (j), based on the placed order content set by the first trader (i) recognized by the first or the second processing unit," (minor amendments shown) as recited in independent claim 1.

On page 9 of the Office Action, the Examiner asserted that [0265] of Solomon describes the "fifth processing unit…" and [0031] of Solomon describes "…at least two s-INAs response with an initial ask price, as well as alternative prices for different product or service features, quality, quantity, delivery times, etc." However, [0265] and [0031] of Solomon do not describe that "based on the placed order content by the first trader (i) recognized by the first or the second processing unit," as recited in claim 1.

With respect to the rejection of claim 1, and particularly the "fifth processing unit" feature, an "element by element" explanation was requested from the Examiner during the interview referenced above. The Examiner indicated that the claimed "received order content" was interpreted as corresponding to the "contract" that is identified as awarded in the middle of paragraph [0265]. The Examiner stated that although the category, quantity, delivery date, and priority rank of the goods are not explicitly specified in paragraph [0265] it would be necessary in order for the contract to make sense, and was already disclosed in previous paragraphs of Solomon.

The Examiner continued by stating the claimed "placed order content" are the inputs for the negotiation upon which the contract is ultimately awarded. The Examiner

indicated that the inputs are described at paragraph [0031] and that the negotiation process is described in greater detail at paragraph [0037].

A detailed explanation for why it is respectfully denied that the features of claim 1 are disclosed in Solomon at paragraphs [0265] and [0031] are provided above. Furthermore, at least the feature "priority rank of the order" is not necessarily an inherent characteristic of the contract of Solomon's paragraph [0265], even if that contract could be viewed as analogous to the claimed "received order content" (not admitted).

Schreiber cannot remedy these deficiencies of Solomon. Shreiber generally describes a transaction server 112 receives transaction profiles from market parties 102 corresponding to at least three different classes of market parties. Transaction profiles having overlapping limitations are identified to form a group of at least three market parties where each market party 102 belongs to a different market party class. Multiple groups may be identified and transmitted to each market party 102 belonging to a group. The examples of market party classes include buyers, sellers and transaction enablers 406 such as shippers and insurers. See abstract of Schreiber.

Schreiber also fails to teach or suggest "a fifth processing unit for determining a received order content including the category, quantity, delivery date, and priority rank of the ordered goods received by the second trader (j), based on the placed order content by the first trader (i) recognized by the first or the second processing unit," as recited in independent claim 1. Schreiber merely discloses receiving a transaction profiles from transaction server 112 from market parties 102. Schreiber's system does not determine the received order content including the category, quantity, delivery date. Rather, the

system of Schreiber merely describes receiving transaction profiles from market parties 102 to classes of market parties. Therefore, the combination of Solomon and Schreiber fail to teach or suggest all of the elements of independent claim 1. Thus, the rejection of claim 1 should be withdrawn.

Solomon also fails to teach or suggest, at least, "a fourth processing unit for determining a selection index (K_{ij}) for selecting the second trader (j), based on the first index (a_{ij}), the second index (b_{ij}), and the third index (c_l) determined by the first processing unit, the second processing unit, and the third processing unit, respectively, according to equation (1) and for preferentially determining the second trader (j=1, 2, ...) receiving order of goods from the first trader (i), in the descending order of the selection index (K_{ij}),," as recited in independent claim 1. Solomon does not even seem to determine a selection index based on the first, second, and third index, and determine the second trader receiving order based on the selection index. Rather, Solomon discloses only ranking at least four sellers at the first search response, and providing interaction in the pre-negotiation session to focus further negotiations. Solomon does not teach or suggest all of the elements of any of the presently pending claims. Shreiber also fails to teach or suggest this limitation, and, thus, the combination of Solomon and Shreiber fails to disclose or suggest this limitation.

On page 9, the Office Action asserted that the specification does not provide an explicit definition for "a fourth unit for determining selection index" and therefore it must be given its broadest interpretation. However, as discussed above, the present application clearly provides a formula for calculating the selection index, K_{ij}. A person of ordinary

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skill in the art would clearly appreciate the description and would be able to understand how these terms are calculated. Therefore, the present application clearly provides how the selection index is determined. Furthermore, claim 1 now includes an equation for calculating the selection index. Thus, for this additional reason, the rejection of claim 1 should be withdrawn.

The combination of Solomon and Schreiber does not disclose or suggest, at least, "a communication processing unit for transmitting the received order content determined by the fifth processing unit to the second terminal device of the second trader selected by the fourth processing unit," As discussed above, neither of Solomon and Schreiber mentions a fourth processing unit. The cited paragraph [0265] of Solomon does not describe the above-identified limitation of claim 1. Thus, Solomon and Schreiber fail to disclose or suggest all of the features of claim 1. It is, therefore, respectfully requested that the rejection of claim 1 be withdrawn for this additional reason.

Claims 2-4 depend from and further limit claim 1. Thus, each of claims 2-4 recite subject matter that is neither disclosed nor suggested in the combination of Solomon and Schreiber. It is, therefore, respectfully requested that the rejection of claims 2-4 be withdrawn.

Claims 5-7 were rejected under 35 U.S.C. 103(a) as being unpatentable over Solomon in view of Schreiber, and further in view of U.S. Patent No. 5,570,291 to Dudle et al. ("Dudle"). The Office Action took the position that the combination of Solomon and Schreiber teaches all of the elements of claim 5, with the exception of a first correction processing unit. The Office Action then cited Dudle to cure the deficiencies of

Solomon and Schreiber. Applicant respectfully submits that the claims recite subject matter that is neither disclosed nor suggested in the cited art.

Claims 5-7 depend from and further limit claim 1. At least some of the deficiencies of the combination of Solomon and Schreiber with respect to claim 1 are discussed above. Dudle does not remedy the above-identified deficiencies of the combination of Solomon and Schreiber with respect to claim 1.

Dudle generally describes a system for generating estimates and orders for the manufacture of custom items such as business forms, which stores estimate data at a central location, for access by sales representatives at remote sales sites. See abstract of Dudle. Also, Dudle generally describes that the validation process, block 144, involves cross-validating a selected item against the item specification to insure, for example, that a fastener was not ordered for a single ply type form. The selected item can be validated against the item specification to ensure that the appropriate materials were selected and the correct die information was entered. Validation of the specifications can comprise field-level edits and cross-validation. See, column 13, lines 18-25 of Dudle.

However, Dudle fails to disclose or suggest the above-identified features of claim 1 and further fails to disclose or suggest "a first correction processing unit for determining a change in the cost based on an order receiving status or a production progress status of the goods by the second trader (j), upon recognizing the order receiving status or the production progress status of the second trader (j) based on the communication with the second terminal device, and correcting the first index such that the first index decreases as the cost increases," as recited in claim 5.

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Dudle merely discloses generating estimates and ensuring that the materials are selected. Dudle may disclose changing the item specification. See, at least, column 16, lines 44-45 of Dudle. However, Dudle's method does not actually correct the first index as in the presently pending claims. Thus, Dudle does not cure the deficiencies of Solomon and Schreiber. The Office Action recognized that neither Solomon nor Schreiber teaches or suggests this limitation. Thus, the combination of Solomon, Schreiber and Dudle fails to teach or suggest all of the elements of any of the presently pending claims.
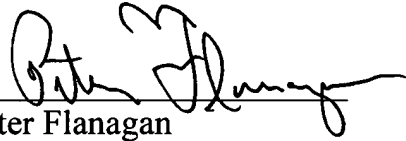
Accordingly, it is respectfully submitted that each of claims 5-7 recites subject matter that is neither disclosed nor suggested in the combination of Solomon, Schreiber, and Dudle. It is, therefore, respectfully requested that the rejection of claim 5-7 be withdrawn.

For the reasons set forth above it is respectfully submitted that it has been demonstrated that each of claims 1-7 recite subject matter that is neither disclosed nor suggested in the cited art. Thus, it is respectfully requested that all of the pending claims, claims 1-7, be allowed and that this application be passed to issuance.

If for any reason the Examiner determines that the application is not now in condition for allowance, it is respectfully requested that the Examiner contact, by telephone, Applicant's undersigned attorney at the indicated telephone number to arrange for an interview to expedite the disposition of this application.

In the event this paper is not being timely filed, Applicant respectfully petitions for an appropriate extension of time. Any fees for such an extension together with any additional fees may be charged to Counsel's Deposit Account 50-2222.

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Enclosures: Petition for Extension of Time
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